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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,565	08/19/2003	Albert L. Lee IV	28349.00	4928
22465	7590	01/03/2005		
PITTS AND BRITTIAN P C P O BOX 51295 KNOXVILLE, TN 37950-1295				
			EXAMINER STONE, JENNIFER A	
			ART UNIT 2636	PAPER NUMBER
DATE MAILED: 01/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,565

Applicant(s)

LEE, ALBERT L.

Examiner

Jennifer A Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show text labeling for Figure 6, items 36, 38, 18, 60, 58, 40, and 22 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan et al. (US 3,336,530).

For claim 1, Sloan discloses a locator device for indicating the relative location and behavior of a dog in a sporting field, said locator device comprising (col 3, lns 9-18): a housing carried by a dog (Fig. 1, item 10); a vibration switch disposed within said housing (col 3, lns 32-36), said vibration switch comprising an enclosure whose sidewall is electrically conductive (Fig. 3, items 30 and 32; col 3, lns 47-50), said vibration switch comprising a mass member that is electrically conductive and disposed within said enclosure (col 3, lns 55-59; Fig. 3, item 38), said vibration switch comprising a first electrical contact (Fig. 3, items A and 40; col 3, lns 57-59) disposed within said enclosure and a second electrical contact (Fig. 3, items B and 42; col 3, lns 60-62) disposed within said enclosure, said first electrical contact and said second electrical contact electrically insulated (Fig. 3, item 34) from said sidewall; and a communication device responsive to said vibration switch (col 3, lns 2-8).

For claim 2, Sloan discloses a processing device in electrical communication with said vibration switch and said communication device, said processing device activating

said communication device in response to said vibration switch (col 3, Ins 19-29). The modulator (Fig. 2, item 22) and oscillator (Fig. 2, item 24) comprise the processing device.

For claim 8, the vibration switch includes a fluid tight seal.

For claim 9, the communication device is a sound generating device (col 3, Ins 2-4).

For claim 10, the communication device comprises a transmitter/receiver combination, whereby said receiver is accessible by a handler (col 3, Ins 2-8; Fig. 1 – hunter).

For claim 11, the housing includes a collar bracket that receives a dog's collar such that said locator device is carried by a dog (col 4, Ins 2-6; Fig. 4, item 12).

3. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Sloan et al. (US 3,336,530).

Sloan discloses a locator device for indicating the relative location and behavior of a dog in a sporting field, said locator device comprising (col 3, Ins 9-18): a means for attaching said locator device to a dog (col 4, Ins 2-4; Fig. 4, item 12); a means for detecting the intensity of the movement of a dog (col 3, Ins 63-73); and a means for indicating the intensity of the movement of a dog responsive to said means for detecting the intensity of the movement of a dog (col 3, Ins 13-18).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al. (US 3,336,530), as applied to claim 2, and further in view of Vogt (US 4,853,685).

Sloan does not disclose the processing device to perform the task of debouncing; however, Vogt discloses a transmitter or receiver to include a debouncing circuit (col 2, lns 13-18). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a debouncing circuit with a processing device to reduce false alarms created by multiple switching states.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al. (US 3,336,530), as applied to claim 1, and further in view of Murai (US 4,234,876).

For claim 6, Sloan does not disclose the switch to be grounded; however, Murai discloses a grounded switching device (col 5, lns 8-10). It would have been obvious to include a grounded vibration switch to cease the oscillating operation.

For claim 7, Sloan discloses a fluid-tight seal. Murai discloses a vibration switch that does not include a fluid-tight seal (col 2, lns 37-44, 65, and 66). It would have been obvious to not include a fluid-tight seal if the electrical components are waterproof.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al. (US 3,336,530), as applied to claim 12, and further in view of Vogt (US 4,853,685).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

#### ***Allowable Subject Matter***

8. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 14-22 are allowed.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cutler (US 6,202,599) discloses an animal collar that detects rapid movement of an animal via an inertial sensor.

Lemnell (US 5,900,818) discloses an animal tracking system that detects the location and behavior of an animal.

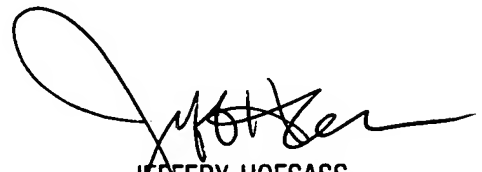
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone  
December 20, 2004



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600